



FILED JAN 14 2018 PM 2:05

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 14, 2018

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Project Funding for Construction and Inspection Services for Safety Improvements at the Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432) Intersection Town of Concord – PIN 5760.99

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Public Works, Division of Highways requesting authorization to adjust the project account funding in accordance with the received New York State Department of Transportation (NYSDOT) Supplemental Agreement No. 2 for Federal and New York State Marchiselli funds to be applied to the Construction and Construction Inspection phases of the subject project. Additionally, the Department is requesting authorization for the County Executive to execute a contract with Nova Site Company, LLC, the lowest responsible bidder for construction services, and establish a project contingency.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/gmw
Enclosure

cc: William E. Geary, Jr., Commissioner of the Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Project Funding for Construction and Inspection Services for Safety Improvements at the Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432) Intersection Town of Concord – PIN 5760.99
Date: January 14, 2018

SUMMARY

The Department of Public Works via Comm. 14E-38 of July 26, 2018 received authorization for the Construction and Construction Inspection services of the subject project and is seeking authorization to adjust account funding in accordance with the received Supplemental Agreement No. 2 with the New York State Department of Transportation (NYSDOT). Additionally, the Department is requesting authorization for the County Executive to execute a contract with Nova Site Company, LLC, the lowest responsible bidder, in an amount not to exceed \$524,880 for construction services, and establish a project contingency in an amount not to exceed \$158,397.08. The approved Construction Inspection services are with design firm Clark Patterson Lee for an amount not to exceed \$146,777.92. The total project cost will not exceed \$830,055.

FISCAL IMPLICATIONS

Funds are available in Project B.18008 – Federal Aid Projects Intersection Construction - Genesee Road, Route 240, and Sibley Road (PIN 5760.99), Fund 420, Funds Center 123. The project's budget will be adjusted to match the total approved Federal and NYS Marchiselli funds, \$458,000 and \$38,167 respectively, for the Construction and Construction Inspection phases of this project under the Transportation Alternative Program in accordance with the received Supplemental Agreement No. 2. The local share requirement of \$333,888 is available in bond proceeds.

The agreement between Erie County and Nova Site Company, LLC for Construction services, the executed agreement amendment between Erie County and Clark Patterson Lee for Construction Administration/Inspection, and project contingency will not exceed a total budget of \$830,055.

REASONS FOR RECOMMENDATION

The Safety Improvements at the Genesee Road, Route 240, and Sibley Road Intersection project is eligible as a Federal Transportation Alternatives Program (TAP) Project which allows the County of Erie to utilize available capital funds to leverage Federal and New York State funds towards the improvement of its infrastructure. Award to Nova Site Company, LLC, the lowest responsible bidder, for Construction services is recommended to allow a timely start to construction and project completion within the 2019 construction season.

BACKGROUND INFORMATION

The Project was initiated in 2015 to address highway safety concerns at the noted intersection. The Project met eligibility requirements for the Federal TAP, and is approved by the NYSDOT in their current Capital Program to be funded with Federal Aid and NYS Marchiselli funds.

Project construction and inspection will commence upon approval of this resolution and snow melt in early spring 2019.

CONSEQUENCES OF NEGATIVE ACTION


This action is required to ensure project advancement and financing through the Locally Administered Federal TAP funds to pay for the construction and inspection costs of the intersection safety improvements. Negative action would halt construction and jeopardize addressing highway safety issues related to this intersection, as well as existing and future reimbursement funding available through this program.

STEPS FOLLOWING APPROVAL

The Highway Division will proceed with award of construction services to Nova Site Company, LLC and establishment of a project contingency to the County Executive for execution. Once the agreement is executed, construction and construction inspection work will begin in early spring 2019.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



GREGORY GACH
Deputy Comptroller
Comptroller's Office

B.18008 – Genesee Road, Route 240, and Sibley Road Intersection Improvements

DMS/gmw
File Copy (DPW.docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Project Funding for Construction and Inspection Services for Safety Improvements at the Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432) Intersection Town of Concord – PIN 5760.99

WHEREAS, the Safety Improvements at the Intersection of Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 (the “Project”) is eligible for funding under Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie previously advanced the Project Construction and Construction Inspection via Communication 14E-38 dated July 26, 2018; and

WHEREAS, the Construction and Construction Inspection phases of the Project, PIN 5760.99, are currently estimated at \$830,055 and the County is required to pay the Local Share for the Project; and

WHEREAS, capital project B.18008 – 2018 Federal Aid Projects Intersection Construction – Genesee Road, Route 240, and Sibley Road (PIN 5760.99), Fund 420, Funds Center 123 was previously approved in the 2018 Adopted Capital Budget, Book B, and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the received budget for this project is \$458,000 federal revenue, \$38,167 NYS Marchiselli revenue, and \$333,888 in bonds for the Local Share representing the balance of the \$830,055 project; and

WHEREAS, Nova Site Company, LLC, was selected as the lowest responsible bidder having the necessary expertise, experience, and manpower to provide the County of Erie with construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to accept Marchiselli and Federal Aid per the received Supplemental Agreement No. 2 with the NYSDOT, for the Genesee Road, Route 240, and Sibley Road (PIN 5760.99) and adjust the budget in B.18008 – 2018 Federal Aid Projects Intersection Construction, in Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase/ (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$28,500	\$38,167	\$66,667
414000	Federal Aid	\$1,165,800	(\$365,800)	\$800,000
475000	Gen Oblig Bond Proceeds	<u>\$633,888</u>	<u>\$0</u>	<u>\$633,888</u>
TOTAL REVENUES		<u>\$1,828,188</u>	<u>(\$327,633)</u>	<u>\$1,500,555</u>

APPROPRIATIONS				
CAPITAL PROJECTS	Capital Project Exp	\$1,004,388	\$496,167	\$1,500,555
UNALLOCATED		<u>\$823,800</u>	<u>(\$823,800)</u>	<u>\$0</u>
TOTAL APPROPRIATIONS		<u>\$1,828,188</u>	<u>(\$327,633)</u>	<u>\$1,500,555</u>

; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract between the County of Erie and Nova Site Company, LLC for construction services in an amount not to exceed \$524,880 and establish a Project Contingency in an amount not to exceed \$158,397.08 and execute any necessary Change Orders; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

TO: GREGORY GACH, DEPUTY, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

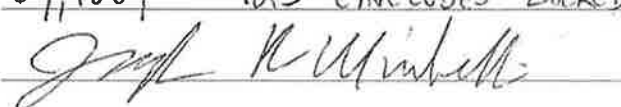
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | <u>New York State Department of Transportation;
Clark Patterson Lee</u> |
| 2. AMOUNT OF CONTRACT | <u>\$830,055</u> |
| 3. PROJECT NUMBER | <u>B.18008</u> |
| 4. PROJECT TITLE | <u>Genesee Road, Route 240, and Sibley Road
Intersection - PIN 5760.99</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Charles A. Sickler, PE at 8372
Letter pickup: Christy Weber at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | <u>\$ 1,100,778.23 (INCLUDES LOCKED FUNDS)</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>January 11, 2019</u> |

[55 compt_10]


PROJECT TITLE: B.18008 2018 Fed Aid Proj - Intersection Constr

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>633,888.00</u>
Total Project Appropriations	\$ <u>1,828,188.00</u>
Less: Total Expenditure To Date	\$ <u>357,221.47</u>
Total Commitments	\$ <u>370,188.30</u>
Available Appropriations As Of Date Of Request	\$ <u>1,100,778.23</u>
Less: Contract Amount	\$ <u>830,055.00</u>
Net Available Appropriations	\$ <u><u>270,723.23</u></u>

Comments: \$276,666.53 cash is in the project. The local share portion of this project is
\$333,888. The available appropriations are stated with the assumption the agreement
mentioned will be executed and the funds budgeted (\$823,800) will be unlocked.

Request Approved: 

Request Denied: _____

Date: 1/14/19